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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,537	03/15/2004	Gregory A. Haunhorst	209593-81554	1310
44200	7590	03/01/2006		
HONIGMAN MILLER SCHWARTZ & COHN LLP 38500 WOODWARD AVENUE SUITE 100 BLOOMFIELD HILLS, MI 48304-5048			EXAMINER DUNWOODY, AARON M	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,537	Applicant(s) HAUNHORST ET AL.	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) 8,30-35 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7,9,29,36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted and amended claims 8, 30-35 and 37 are directed to an invention that is independent or distinct from the elected invention.

Since applicant has received an action on the merits for the elected invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8, 31-35 and 37 are withdrawn from consideration as being directed to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 recites, "the fitting including at least one annular sealing member positioned between the fitting and the fluid conveying member both upstream and downstream of the second fluid duct." However, it is not clear to the Examiner that if only **one annular sealing member** is positioned between the fitting and the fluid conveying member, how can **both** of the one annular sealing member simultaneously reside upstream and downstream of the second fluid duct.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-7, 9, 36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3734112, Finney et al.

In regards to claims 5 and 36, in Figures 4 and 6, Finney et al disclose a fluid connector, comprising:

a fluid conveying member that includes an interior fluid passageway; and

a fitting that includes a first fluid duct and a second fluid duct separated from the first fluid duct by a wall, the fluid conveying member sized for receipt in the first fluid duct and including an opening defined by a bushing that secures the fitting to the fluid conveying member and provides the interior fluid passageway of the fluid conveying member in communication with the second fluid duct, the bushing comprising cooperately deformed portions of the fluid conveying member and the fitting wall.

In regards to claim 6, in Figures 4 and 6, Finney et al disclose the bushing is a thermal formed bushing.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

In regards to claim 7, in Figures 4 and 6, Finney et al disclose the bushing is a leak resistant joint.

In regards to claim 9, in Figures 4 and 6, Finney et al disclose the fitting includes at least one annular sealing member positioned between the fitting and the fluid conveying member both upstream and downstream of the second fluid duct.

In regards to claims 38, in Figures 4 and 6, Finney et al disclose the fitting including at least one annular sealing member (13) positioned between the fitting and the fluid conveying member both upstream and downstream of the second fluid duct.

Claims 5-7, 9, 29, 36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3995655, Sands.

In regards to claims 5 and 36, in Figures 2 and 3, Sands discloses a fluid connector, comprising:

- a fluid conveying member that includes an interior fluid passageway; and
- a fitting that includes a first fluid duct and a second fluid duct separated from the first fluid duct by a wall, the fluid conveying member sized for receipt in the first fluid duct and including an opening defined by a bushing that secures the fitting to the fluid conveying member and provides the interior fluid passageway of the fluid conveying member in communication with the second fluid duct, the bushing comprising cooperately deformed portions of the fluid conveying member and the fitting wall.

In regards to claim 6, in Figures 2 and 3, Sands discloses the bushing is a thermal formed bushing.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation is given little patentable weight.

In regards to claim 7, in Figures 2 and 3, Sands discloses the bushing is a leak resistant joint.

In regards to claim 9, in Figures 2 and 3, Sands discloses the fitting includes at least one annular sealing member positioned between the fitting and the fluid conveying member both upstream and downstream of the second fluid duct.

In regards to claim 29, in Figures 2 and 3, Sands discloses the bushing including a first deformed portion (48) of the fitting wall that extends into a hole in the fluid conveying member defined by a second deformed portion of the fluid conveying member.

In regards to claim 38, in Figures 2 and 3, Sands discloses the fitting including at least one annular sealing member (34) positioned between the fitting and the fluid conveying member both upstream and downstream of the second fluid duct.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the bushing deforming the fitting or first conveying member) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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